

MEMORANDUM

TO: Governing Board Members

FROM: Sheryl G. Wood, General Counsel

DATE: November 22, 2010

SUBJECT: Action Required
Authorization to file suit
Steven B. Greenfield, Trustee of the Sabra Land Trust, and all
other appropriate parties –
Enforcement Action for a property located in Section 19, Township
47, Range 41, Broward County, Florida

Background

This is a request to file suit to resolve violations involving the construction and operation of works, specifically the placement of soil and mulch fill material on approximately 9.6 acres of wetlands and uplands without prior issuance of an Environmental Resource Permit (ERP). The property is owned by the Sabra Land Trust and is apparently operated by Boris G. Katz for the operation of a business known as Lox Road Vegetative Recycling and Nursery. On June 13, 2002, the District issued Standard General Permit No. 50-05388-P ("permit") to BG Katz for the construction and operation of a surface water management system to serve 19.20 acres of uplands for a nursery. On February 4, 2004, the permittee submitted an application to modify its permit to construct a berm around the property so that the property could be used to grow trees. A subsequent site inspection revealed that portions of the berm had already been constructed at the time of the application. Additionally, the areas proposed in the application to be developed for nursery use were filled with soil and mulch material, including wetlands. These areas are not authorized in the permit for the surface water management system. Numerous attempts have been made by District staff to resolve the violation including working with the applicant to try to assist him in completing his permit modification application and an issuance of a Notice of Violation.

How this helps meet the District's 10 year Strategic Plan

This effort directly supports the District's land resources mission.

Funding Source

This litigation will be handled by the District's Office of Counsel. Any costs associated with this litigation will be paid from budgeted ad valorem funds.

This Board item impacts what areas of the District, both resource areas and geography?

The subject property is located in Broward County and impacts wetlands through the unpermitted works, which affects the District conservation and management of wetlands.

What concerns could this Board item raise?

If this matter is not resolved, the unauthorized wetland impacts could continue.

Why should the Governing Board approve this item?

The Governing Board should approve this item to resolve recent violations of the construction and operation of works, including alteration of wetlands without the required permit and to take appropriate action against all responsible parties.

If you have any questions, please do not hesitate to call me at extension 6976.

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